

APPROVED: Meeting No. 31-89

ATTEST: *Sharon A. K.*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 26-89

May 30, 1989

The Mayor and Council of Rockville, Maryland, convened in Public Hearing in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on May 30, 1989, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Steve Abrams

Councilmember James Coyle

Councilmember Viola Hovsepian

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: Public Hearing: Issuance of a Temporary Use Permit to the Montgomery County Boys and Girls Club for the Operation of a Carnival at 701 Rockville Pike (Old Firemen's Carnival Grounds)

The Mayor and Council conducted a public hearing on the issuance of a Temporary Use Permit to the Montgomery County Police Boys and Girls Club for the operation of a carnival at 701 Rockville Pike. The Mayor and Council heard all those persons as can be found in the official stenographic transcript. There being no other person wishing to be heard, the Mayor declared the hearing closed.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the public hearing record was closed.

Meeting No. 26-89

2

May 30, 1989

Re: Adoption of Resolution to  
Approve Temporary Use Permit  
Application for Operation of  
a Carnival at 701 Rockville  
Pike, Rockville, Maryland,  
William F. Green for Montgomery  
County Police Boys and Girls  
Club, Applicant

Resolution No. 13-89

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Resolution No. 13-89, the full text of which can be found in Resolution Book 9 of the Mayor and Council, was passed to approve the temporary use permit application for operation of a carnival at 701 Rockville Pike, Rockville, Maryland, from June 14, 1989 through June 25, 1989, provided that the carnival may not operate until the end of the school day, that the hours of operation from Sunday through Thursday shall end at 11:00 p.m. and on Friday and Saturday nights at midnight.

Re: Continuation of Public Hearing:  
FY1990 Operating Budget,  
FY1990-1995 Capital  
Improvements Program and the  
Intention to Raise the Tax  
Rate Above the Constant Yield  
Tax Rate

The Mayor and Council conducted a public hearing on the FY1990 Operating Budget and the FY1990-1995 Capital Improvements Program and the intention to raise the tax rate above the Constant Yield Tax Rate. The Mayor and Council heard all those persons as can be found in the official stenographic transcript. There being no other person wishing to be heard, the Mayor declared the hearing closed, with the record to be left open until 5:00 p.m. on Monday, June 5, 1989.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

Meeting No. 26-89

3

May 30, 1989

1. Leah Barnett, 19 Orchard Way North, thanked the Mayor and Council and commended the excellent City staff for the Hometown Holidays celebration.

2. Jeryl Gegan, member of the Planning Commission, addressed the imposition of the Standard Traffic Methodology in the Town Center, in particular, the Whalen development.

Discussion followed as to the role of the Planning Commission vis-a-vis policy making versus implementation of Mayor and Council policy and the imposition of conditions by the Planning Commission on the Whalen development. The City Manager clarified that the Whalen project is proceeding to the building permit stage and that the imposition of these conditions are not viewed as slowing down the process.

Regarding the joint worksession between the Mayor and Council and the Planning Commission, Councilmember Abrams noted that he would like to see the following two items on the agenda: Planning Commission/policy role; and the responsibilities of the Planning Commission with respect to the development of City-owned land.

3. Stan Klein, 17 Lorre Court, expressed concern regarding traffic downtown and discussed the issue of mass transit in relation to development in the Town Center. He noted that pedestrian walkways similar to the one from the METRO center should be extended throughout the City to make the city more pedestrian friendly.

4. Ruth Loevinger, 12 Lakeside Overlook, commented on the noise from the concert on Saturday night and raised the issue as to whether or not there is an ordinance regulating decibel levels in the City.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the minutes of Meeting No. 23-89 were approved, as written.

Meeting No. 26-89

4

May 30, 1989

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 24-89 were approved, as corrected.

Re: FYI/Correspondence

Mrs. Hovsepian noted the letter from the President of the College Gardens Civic Association commending the City Manager for his visit to their association and his diligent follow-up. She stated that his responsiveness to groups and individuals is just what the Mayor and Council were seeking and expressed her appreciation.

Regarding the Ethnic Heritage Festival, the Mayor asked if the parade could be held in the morning in downtown Rockville followed by the festival in the afternoon at Courthouse Square. Staff will review this proposal; however, it was noted by Councilmember Hovsepian that the festival has previously been held in Wheaton Regional Park and that it encompasses an area far larger than Courthouse Square.

Re: New Business

Councilmember Abrams stated that Claude Pepper had just passed away and that some message from the City should be sent to the Congressman's office and family expressing the City's sorrow and recognizing his contributions. He also noted that, perhaps, the Senior Commission could do something on a more substantive basis to recognize Congressman Pepper's contributions.

Councilmember Abrams referenced a memorandum from the City Attorney advising that a text amendment to the Zoning Ordinance would be required in order to require Mayor and Council approval of any condition imposed by the Planning Commission which imposed a fee for traffic impact as a condition of use permit approval. He asked the City Attorney if this approval could be limited further either strictly to Town Center or applied only to City-owned property. Mr. Glasgow responded that either would be lawful.

Discussion ensued as to the appropriateness of imposition of further conditions

Meeting No. 26-89

5

May 30, 1989

once a disposition agreement has been negotiated and executed. It was decided that perhaps a proviso could be added to future agreements to the effect that the contract price would be reduced accordingly should any action of the Planning Commission or other city agency in the permit process cause the developer to incur additional expense.

Councilmember Hovsepian asked for a clarification as to whether it is the Mayor and Council policy that the Standard Traffic Methodology (STM) review applies to the Town Center development, particularly on City-owned property. Mayor Duncan stated that the STM serves as an advisory tool and that one of the reasons for the joint worksession with the Planning Commission is to clarify this issue.

Councilmember Coyle referenced the registration procedures for the K.A.T. program and that, in order to secure a spot in the program, people have been lining up for hours at City Hall. Mayor Duncan noted that it is a very difficult issue and staff will be reviewing it. Councilmember Robbins suggested that the City staff look at other systems.

Regarding the COG Public Safety Committee's continuing drug war, Councilmember Coyle noted the Mayor of Alexandria's proposed regional drug plan and the request that other jurisdictions join in. City Manager Bruce Romer will be given the materials in order that the City may respond.

Councilmember Coyle also noted COG's proposal to get the States of Maryland, Virginia and D.C. to utilize photo-radar techniques.

Mayor Duncan stated that St. Elizabeth's parish would be celebrating their Silver Jubilee on June 4, 1989. By a unanimous vote of the Mayor and Council, Proclamation No. 12-89, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council, was approved to recognize St. Elizabeth's 25 years of service to the community.

There being no further business to come before the Mayor and Council, the

Meeting No. 26-89

6

May 30, 1989

meeting was adjourned at 10:40 p.m., to convene again in Worksession at 7:30 p.m. on June 1, 1989, or at the call of the Mayor.